

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

‘Withdrawn from consideration’ claims 2, 4 and 13-16 are currently being cancelled, whereby Applicant intends to pursue those claims in a divisional application.

Claims 1, 3 and 5-12 are currently being amended. Please note that claim 1 has been amended to so as to change the “means plus function” language to non-means plus function language, and thus this claim is no longer subject to 35 U.S.C. § 112, 6th paragraph.

Claims 17-25 are currently being added.

This amendment and reply adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 1, 3, 5-12 and 17-25 are now pending in this application.

Claim Objections:

In the Office Action, claims 9 and 10 were objected to because of the use of “can selectively be.” By way of this amendment and reply, claims 9 and 10 have been amended to in accordance with the helpful suggestion provided in the Office Action, whereby presently pending claims 9 and 10 are unobjectionable.

Claim Rejections – 35 U.S.C. § 101:

In the Office Action, claims 5-16 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. By way of the amendments made to claims 5-12 (claims 13-16 have been canceled) to comply with 35 U.S.C. § 101, this rejection is now moot.

Claim Rejections – Double Patenting:

In the Office Action, claims 1, 3 and 5-12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over

claim 1 of copending patent application 10/779,622. In reply, the M.P.E.P. sets forth the requirements for a double patenting rejection for two copending applications, in which neither one has issued yet, which is the case here. Those requirements specify that a terminal disclaimer needs to be filed in only the later-filed copending application, which corresponds to copending patent application 10/779,622. Accordingly, a terminal disclaimer is not needed in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1, 3 and 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002/213519 to Hoshino in view of Admitted Prior Art (APA) and further in view of U.S. Patent No. 5,966,186 to Shigihara; claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoshino and APA and Shigihara and further in view of U.S. Patent No. 5,797,083 to Anderson; and claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoshino and APA and Shigihara and further in view of U.S. Patent No. 6,035,183 to Todd. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Hoshino describes the performing of a reception level measurement of an output of an adaptive array control part 202 for which directivity control has been applied. In the present invention according to claim 1, however, reception levels of reception signals received at respective antennas (#1, #2) are measured without be subjected to such directivity control. More particularly, the present invention according to claim 1 improves the reception characteristics in an adaptive array processing apparatus by reducing the reception level differences between a plurality of antennas before being subject to adaptive array processing. For that purpose, the respective reception levels are measured at the plurality of antennas in the present invention according to claim 1.

Thus, the present invention is much different from Hoshino with respect to technical idea and with respect to specific configuration, whereby a signal level which has already been subjected to adaptive array processing is measured in the system of Hoshino. None of the other cited art of record rectifies these deficiencies of Hoshino. Accordingly, presently pending independent claim 1, as well as presently pending independent claims 3 and 5, are patentable over the cited art of record.

New Claims:

New claims 17-25 have been added to recite different features of the present invention that are believed to provide an additional basis of patentability for those claims.

New dependent claim 18 recites, among other things:

wherein at least one of the plurality of antennas is a movable antenna and at least another of the plurality of antennas is a non-movable antenna, and

wherein the reception level adjusting means adjust the reception levels of signals of the plurality of streams by adjusting a position of the movable antenna.

None of the cited art of record appears to teach or suggest a multiple antenna system having at least one non-moveable antenna and at least one moveable antenna. Rather, all of the antennas in the references cited in the Office Action appear to be moveable. Accordingly, dependent claim 18 is patentable over the cited art of record for these additional reasons, beyond the reasons given above for its base claim 1.

With respect to new dependent claim **22**, that claim now recites, among other things:

wherein said displaying step comprises:

turning on a first light emitting unit on a display when differences between the determined reception levels of signals of the plurality of streams are all within a first difference value;

turning on a second light emitting unit on the display, the second light emitting unit displaying a different color than the first light emitting unit, when the difference between the determined reception levels of signals of at least two of the plurality of streams is greater than the first difference value but less than a second difference value that is greater than the first difference value; and

turning on a third light emitting unit on the display, the third light emitting unit displaying a different color than the first and second first light emitting units, when the difference between the determined reception levels of signals of at least two of the plurality of streams is greater than the second difference value.

In its rejection of claims 7-10, the Office Action relies on Todd to teach a display of difference values between signals on different data streams. While this may be the case, Todd's system is directed to displaying one of a forward link BER and/or RSSI value and a

reverse links BER and/or RSSI value, whereby the display of one of these links is based on which of these two links is the “limiting” link. See column 5, lines 1-15 of Todd.

In any event, Todd’s display of BER and/or RSSI values does not come close to the specific features of first, second and third light emitting units as now recited in presently pending independent claim 3. Rather, Todd merely provides a HIGH/FAIR/LOW course link quality indication on his display, which falls well short of the specific features recited in claim 3.

Accordingly, since none of the other cited art of record rectifies the above-mentioned deficiencies of Todd, new dependent claim 22, as well as new dependent claim 24 which recites similar features, are patentable over the cited art of record.

New independent claim 17 recites, among other things:

wherein said displaying step comprises:

turning on a first light emitting unit on a display when differences between the determined reception levels of signals of the plurality of streams are all within a first difference value;

turning on a second light emitting unit on the display, the second light emitting unit displaying a different color than the first light emitting unit, when the difference between the determined reception levels of signals of at least two of the plurality of streams is greater than the first difference value but less than a second difference value that is greater than the first difference value; and

turning on a third light emitting unit on the display, the third light emitting unit displaying a different color than the first and second first light emitting units, when the difference between the determined reception levels of signals of at least two of the plurality of streams is greater than the second difference value.

Such features of a displaying step are not taught or suggested by the cited art of record. See discussion above with respect to dependent claims 21 and 23 with respect to the Todd reference, for example. See also the features recited in dependent claims 19 and 20, whereby those claims are also believed to patentably distinguish over the cited art of record.

Lastly, with respect to dependent claims 21, 23 and 25, those claims recite that the determining unit or step determines the reception levels of signals of a plurality of streams received by respective ones of said plurality of antennas, prior to any adaptive array

processing being performed on the signals of the plurality of streams. As discussed above with respect to claim 1, a signal level which has already been subjected to adaptive array processing is measured in the system of Hoshino. Accordingly, dependent claims 21, 23 and 25 are patentable over the cited art of record for these additional reasons.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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